THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26511 of 2005

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Dated:19.12.2005

Between:

Challa Sreeram S/o Late Kotaiahy
R/o H. NO. 5-79-20, lane, Ashoknagar, Guntur Guntur District

..... PETITIONER

AND

The Special Officer and Competent Authority, Urban Land Ceiling,

Guntur.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26511 of 2005

ORDER:

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The petitioner herein is the holder of land in Survey Nos.112/A of Nallapadu Village, 177/A and 185/C of Ankireddypalem Village and land in T.S.Nos.797/2 and 797/1 of Guntur, admeasuring 4337.06 square metres. He filed a declaration under Section 6(1) of the Urban Land (Ceiling & Regulation) Act, 1976 (for short 'the Act'). The respondent issued a final statement under Section 8(4) of the Act read with Section 9 of the Act determining the petitioner to be surplus holder to an extent of 2337.06 square metres. It appears, aggrieved by the same, the petitioner preferred an appeal before the Commissioner of Urban Land Ceiling, who by order dated 18.07.2000, rejected the appeal and directed the respondent to take further action under Section 10 of the Act after receiving final orders of the Government on the application filed by the petitioner for exemption. In this writ petition, the grievance of the petitioner is that as the respondent did not issue notification under Section 10(1) of the Act, he is not in a position to alienate the land, which is within permissible limits. Therefore, he

seeks a direction to that effect to the respondent.

After receiving necessary instructions from the respondent, the learned Assistant Government Pleader for Revenue (Urban Land Ceiling) submits that as the petitioner's application is pending before the Government, the respondent did not issue notification under Section 10(1) of the Act. A reading of Section 10(1) of the Act would show that pendency of an application under Section 20 of the Act filed by a declarant is no bar to issue a notification thereunder. Indeed, it is the mandate of law that "as soon as may be after the service of the statement under Section 9 on the person concerned", the competent authority shall have to issue notification. In that view of the matter, notwithstanding any orders of the Commissioner of Urban Land Ceiling, the respondent is under obligation to issue a notification under Section 10(1) of the Act giving the particulars of vacant land held by person in excess of the ceiling limit.

In view of the above, this writ petition is disposed of directing the respondent to issue notification under Section 10(1) of the Act, immediately, within a period of two weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

19.12.2005

Note: Issue C.C by 21.12.2005.

B/o.

vs